

**AFFIDAVIT
OF
TASK FORCE OFFICER KEVIN L. KLEIN
BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES**

I, Kevin L. Klein, being first duly sworn, do hereby depose and state that:

1. I am a federally deputized Task Force Officer (“TFO”) with the Bureau of Alcohol, Tobacco, Firearms & Explosives (“ATF”). As such, I am a law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), and am empowered to conduct investigations of, and to make arrests for, the offenses enumerated in Title 18, United States Code, Section 2516. I am currently assigned to the Kansas City Field Office, and my responsibilities include the investigation of criminal violations of the federal laws, including Titles 18 and 21, United States Code.

2. I am familiar with federal criminal laws, particularly federal firearms and controlled substance violations. In the performance of my duties with ATF, I have investigated and participated in numerous investigations involving federal firearms violations and the criminal activities of drug trafficking organizations.

3. This affidavit is in support of an application for a search warrant authorizing the monitoring of a mobile tracking device in a cellular telephone, including any global positioning system (“GPS”) mobile tracking device features of the cellular telephone assigned call number (402) 237-4964 (“Target Telephone”), a prepaid cellular telephone issued and serviced by AT&T, for violations of Title 21, United States Code, Sections 841 (possession/distribution/manufacture of controlled substances), 843(b) (use of a telephone in furtherance of drug trafficking offenses) and 846 (conspiracy).

4. This affidavit is based on my own personal knowledge as well as information provided to me by other law enforcement agencies and officers. Since this affidavit is being

submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. I have only set forth the facts I believe are essential to establish probable for the monitoring of a mobile tracking device in the Target Telephone.

5. GERARDO CALDERON-GARCIA, JR. (“GERARDO”) is the known user of AT&T prepaid cellular telephone number (402) 237-4964, and is believed to reside at 415 Swallow Street, Warrensburg, Missouri.

6. GERARDO is known to law enforcement to be a cocaine, marijuana and methamphetamine distributor in the Pettis County area, and is believed to obtain large quantities of cocaine and methamphetamine from multiple sources in La Monte and the State of California.

7. During a proffer interview with a Confidential Source (“CS-1”) in June 2017, ATF TFO Joseph McCullough became aware of someone that CS-1 knew as “GARCIA,” who was distributing methamphetamine and cocaine. CS-1 described the location of “GARCIA’s” residence, which was identified as 210 North Main. A check of the property deed identified the owner as GERARDO GARCIA. CS-1 was aware that “GARCIA’s” drugs were coming from the State of California and that “GARCIA” drove them back to mid-Missouri. On January 21, 2017, there was a shooting during a home invasion, in which the homeowner shot one of the suspects, and CS-1 indicated that the homeowner was friends with “GARCIA,” but did not know his name.

8. On March 13, 2018, law enforcement served a State search warrant at 418 East Saline Street, Sedalia, Pettis County, Missouri, and made contact with a second Confidential Source (“CS-2”). A search of the residence revealed marijuana, steroids, black tar heroin, U.S. Currency, firearms and ammunition. The investigation at the residence revealed that CS-2 was involved with distributing marijuana, cocaine, steroids and prescription pills. CS-2 was later

interviewed by ATF TFO Matthew Sprinkles and me. During that interview, CS-2 admitted being involved in the distribution of marijuana, cocaine, steroids and prescription pills in the Pettis County area. CS-2 identified his/her source for cocaine and marijuana as two Mexicans, who s/he believed to be brothers. CS/2 admitted s/he had obtained marijuana and cocaine from the two brothers on numerous occasions, and that they went to La Monte to obtain the cocaine.

9. On March 14, 2018, I was contacted by CS-2, who identified one of the brothers as “JERRY GARCIA.” TFO McCullough suspected that “JERRY” was potentially GERARDO, because of information he had received from CS-1 in June 2017.

10. I drove by 210 North Main, where vehicles were parked in the driveway which had previously been described by CS-2 as the vehicles “JERRY” drove. The vehicles parked at the residence were identified as a black Jeep Commander, Missouri registration FN2Z8B, and a silver Saturn Outlook, Missouri registration CN1W8Y. A check of both license plates identified the registered owner as GERARDO GARCIA. A TOD (“Title on Death”) for the Saturn Outlook was identified as MANUEL GARCIA (“MANUEL”). Further investigation allowed me to positively identify brothers GERARDO CALDERON-GARCIA, JR., DOB 06/12/1993, SSN 647-16-3165, and MANUEL CALDERON-GARCIA, DOB: 04/29/1996, SSN 647-30-0859, as the residents of 210 North Main Street.

11. On March 23, 2018, I provided CS-2 with photos of GERARDO and MANUEL, and CS-2 identified GERARDO as the person s/he knew as “JERRY GARCIA” and MANUEL as GERARDO’s brother.

12. On April 1, 2018, CS-2 contacted me after he had spoken with GERARDO and MANUEL at a residence in Sedalia on March 30, 2018. CS-2 stated that GERARDO spoke with CS-2 regarding his illegal drug business, and indicated he was obtaining his marijuana through the

mail, and “big boy” cocaine and methamphetamine through multiple friends located in La Monte. GERARDO told CS-2 he would go get the cocaine and methamphetamine from his friends as he needed it. CS-2 stated they discussed CS-2 getting methamphetamine from GERARDO, but that GERARDO did not want to deal with methamphetamine unless it was large quantities. GERARDO quoted CS-2 a price of \$9,000.00 for one pound of methamphetamine. During their conversation, CS-2 learned that GERARDO was distributing large quantities of cocaine in Warrensburg, Missouri.

13. Between May 8, 2018, and November 29, 2018, pursuant to orders granted by this Court in case numbers 18-3011-PR-WJE, 18-3012-PR-WJE, 18-3014-PR-WJE, 18-3016-PR-WJE, 18-3017-PR-WJE, 18-3024-PR-WJE, 18-3025-PR-WJE, 18-3033-PR-WJE, 18-3050-SW-WJE, 18-3052-SW-WJE, 18-3062-SW-WJE, 18-3065-SW-WJE, 18-3072-SW-WJE, 18-3083-SW-WJE, 18-3098-SW-WJE, 18-3116-SW-WJE and 18-3121-SW-WJE, regarding cellular telephone numbers (573) 533-0594, (660) 281-3972, (660) 281-4542, (660) 262-8005, (660) 287-1725, (660) 281-1635 and (660) 429-9080 and (573) 533-0962, TFOs and SAs of the ATF monitored GERARDO’s telephone toll records and geographic location while CS-2 and an ATF SA (UC) spoke by cellular phone, exchanged text messages, and engaged in controlled substance purchases from GERARDO on numerous occasions. (My affidavits in case numbers 18-3050-SW-WJE, 18-3052-SW-WJE, 18-3062-SW-WJE, 18-3065-SW-WJE, 18-3072-SW-WJE, 18-3083-SW-WJE, 18-3098-SW-WJE, 18-3116-SW-WJE and 18-3121-SW-WJE are incorporated herein by reference.)

14. On September 27, 2018, SA Redies obtained an order authorizing the interception of wire and electronic communications to and from (660) 287-1725, which was a telephone number known to be used by GERARDO. That order was served upon AT&T, and on September

27, 2018, ATF began reviewing intercepted telephone calls and text messages to and from (660) 287-1725, and interceptions ceased after October 26, 2018. During the period of interception, ATF SAs and TFOs intercepted numerous wire and electronic conversations and messages related to GERARDO acquiring, transporting and distributing controlled substances.

15. On January 7, 2019, the UC received a text message from GERARDO at (573) 533-0962, which read, "Whats up my guy." The UC sent a text message to (573) 533-0962, which read, "Going to be back in MO in a few days. Got some good news from NC when I see you," and the UC received a text message from the Target Telephone, which read, "K my guy I'll see you soon then take care."

16. On January 15, 2019, the UC sent a text message to GERARDO at (573) 533-0962, which read, "Hey man sorry I haven't got with you. I didn't even make it home and work needed me on the road. I'll get with you as soon as I get back." The UC received a text message from (573) 533-0962, which read, "No biggie my guy am gone to since u said u was wasn't coming back I should be around Monday." The UC sent a text message to (573) 533-0962, which read, "Good deal. Just wanted to touch base. I hope to see you soon." The UC received a text message from (573) 533-0962, which read, "See u soon my friend take care."

17. On January 26, 2019, the UC received a text message from the Target Telephone, which read, "What's up my guy this is my new number." The UC sent a text message to the Target Telephone, which read, "Ok. I'll see you this week." The UC received a text message from the Target Telephone, which read, "K."

18. On January 27, 2019, the UC sent a text message to the Target Telephone, which read, "I should be back in town around 2 tomorrow. That work?" The UC received a text message from the Target Telephone, which read, "Yea."

19. On January 28, 2019, the UC received a call from GERARDO on the Target Telephone. During their conversation, GERARDO confirmed his meeting with the UC for later that day in Sedalia, Missouri. GERARDO asked the UC what s/he was going to need, and told the UC he had two of them ready (which the UC knew was a reference to two pounds of methamphetamine). The UC asked GERARDO if he had any "Tony" (cocaine), and GERARDO said he did and asked what the UC needed. When the UC told GERARDO s/he did not need any product and just wanted to meet up and talk, GERARDO agreed.

20. On January 28, 2019, I reviewed Pen/Trap data for (573) 533-0962, previously identified as used by GERARDO. The last outgoing call from (573) 533-0962 was made on January 26, 2019.

21. On January 28, 2019, ATF Intelligence Research Specialist William Cotter contacted a representative from AT&T, who confirmed that (402) 237-4964 is an active AT&T telephone number.

22. I believe that GERARDO is now using the Target Telephone, because there is a continuity of conversation between GERARDO and the UC, and their conversations seamlessly continued from (573) 533-0962, previously identified as used by GERARDO, to the Target Telephone on January 26, 2019.

23. Based on the above information, I believe that GERARDO CALDERON GARCIA is in possession of the Target Telephone in the Western District of Missouri. In my experience, the general geographic location of the Target Telephone, gathered from cell site/sector location, GPS location, or other means, can yield evidence which is relevant and material to an investigation and is also valuable in apprehending fugitives. It is my belief the requested warrant will provide location information of the Target Telephone allowing investigators to track GERARDO

CALDERON GARCIA's movements, which will provide law enforcement with the ability to identify locations where GERARDO CALDERON GARCIA is traveling to and from. This location information may allow investigators the ability to identify other individuals involved in GERARDO CALDERON GARCIA's drug trafficking activities, where GERARDO CALDERON GARCIA is obtaining his controlled substances, and where GERARDO CALDERON GARCIA is storing drugs and/or proceeds from the sale of controlled substances.

24. I am aware that a cellular service provider may employ various means to determine the physical locations of a cellular telephone, including but not limited to: (1) cell site/sector location; (2) information regarding strength, angle and timing of the caller's signal measured at two or more cell sites (triangulation); or (3) location information from any factory-installed GPS device present in the cellular telephone. I am further aware that the service provider may have to initiate a signal to determine the location of the Target Telephone.

25. ATF personnel have determined that AT&T is the service provider for the Target Telephone number, which is subject to AT&T's control and record keeping system.

26. The facts set forth in this affidavit are true and correct to the best of my knowledge and belief.

FURTHER, Affiant sayeth naught.



Kevin L. Klein, Task Force Officer
Bureau of Alcohol, Tobacco, Firearms & Explosives

Sworn to and subscribed via telephone, on this, the 29th day of January, 2019.


Willie J. Epps, Jr.
United States Magistrate Judge